

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
Eastern Division

J&J SPORTS PRODUCTIONS, INC.,)
Plaintiff) **No. 08cv5281**
v.)
OMAR CASTRO, indv. and d/b/a) **Assigned Judge: Judge Guzman**
5637 W. GRAND, INC., d/b/a TELOLOAPAN and)
5637 W. GRAND, INC., d/b/a TELOLOAPAN,) **Designated**
Defendants.) **Magistrate Judge:**
) **Magistrate Judge Denlow**

PLAINTIFF'S MOTION FOR PROVE-UP

NOW COMES the Plaintiff, J&J SPORTS PRODUCTIONS, INC., by and through its attorneys, ZANE D. SMITH & ASSOCIATES, LTD. and moves this Honorable Court for the entry of a Prove-up Order against **OMAR CASTRO, indv. and d/b/a 5637 W. GRAND, INC., d/b/a TELOLOAPAN 5637 W. GRAND, INC., d/b/a TELOLOAPAN**, and in support thereof, states as follows:

1. That on November 4, 2008 and December 17, 2008 this Honorable Court entered two (2) default judgments against the Defendants and set this matter for prove up.
2. That this matter is brought pursuant to the Communications Act of 1934, 47 U.S.C. § 151 et seq. as amended by the Cable Communications Policy Act of 1984, 47 U.S.C. § 521 et seq and the Copyright Act of 1976, 17 U.S.C. §§ 101 et seq.;

That the aforesaid Act provides for statutory liquidated damages up to:

a) One Hundred Ten Thousand (\$110,000.00) Dollars for each violation of Section 605 of the Copyright Act:

3. That in the instant matter, there were (2) violations of the aforesaid provisions of the Cable Communication Act. See the Affidavit of the Investigator, attached hereto and made a part hereof, marked "Plaintiff's Exhibit A".

4. That there were approximately 40 persons in the establishment watching the illegally pirated event (*See Exhibit "A"*).

5. That at all times complained of herein Defendants' actions could not have occurred without the willful and intentional modification of electronic equipment, the willful and fraudulent misrepresentation of a commercial establishment as a residential one, the removal of cable traps or devices designed to prevent such unauthorized exhibits, or other willful and/or intentional acts purposely designed to obtain our programming unlawfully.

6. Based upon the foregoing, Plaintiff hereby requests Fifty Thousand and No/100 (\$50,000.00) Dollars as Statutory liquidated damages.

7. That Plaintiff is further entitled to Two Thousand Eighty One and 25/100 (\$2,081.25) Dollars for attorney's fees and costs. See Affidavit of Plaintiff's Counsel, Zane D. Smith, attached hereto and made a part hereof, marked "Plaintiff's Exhibit B".

WHEREFORE, the Plaintiff, J&J SPORTS PRODUCTIONS, INC., respectfully prays this Honorable Court for the entry of an Order in Plaintiff's favor and against the defendants, in the amount of Fifty Thousand Dollars and 00/100 (\$50,000.00) as Statutory liquidated damages, attorney's fees and costs in the amount of Two Thousand Eighty One and 25/100 (\$2,081.25) Dollars and for such other relief as this Court deems just and right.

Respectfully submitted,

ZANE D. SMITH & ASSOCIATES, LTD.

By: /s/ Andre Ordeanu
Andre Ordeanu, Plaintiff's Attorney

ZANE D. SMITH & ASSOCIATES, LTD.
415 N. LaSalle Street - Suite 300
Chicago, Illinois 60610
Phone: 312 245-0031
Attorney I.D. 06184814

CERTIFICATE OF SERVICE

I, Andre Ordeanu, on oath state that a true and correct copy of the Notice of Filing was electronically filed with the Clerk of the Court on December 23, 2008, using the CM/ECF system which will send notification of such filing(s) to all attorneys of record. Under the penalties of perjury, I certify that the above statements set forth herein are true and correct.

//s/ Andre Ordeanu

Andre Ordeanu